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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,590	12/18/2001	Brian R. Robinson	10015516-1	2876

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EXAMINER

LESNIEWSKI, VICTOR D

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 07/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,590

Applicant(s)

ROBINSON, BRIAN R.

Examiner

Victor Lesniewski

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/18/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This application has been examined.
2. Claims 1-28 are pending.

Information Disclosure Statement

3. The IDS filed 12/18/2001 has been considered.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 4, 6-10, 12, 15-19, and 22-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Williamson et al. (U.S. Patent Number 6,915,519), hereinafter referred to as Williamson.

6. Williamson has disclosed:

- <Claim 1>

A method for delivering message data in an asynchronous messaging system, comprising: specifying message data in a custom tag to be sent to a client from a server page, that comprises a scripting language and extensible custom tag functionality (column 3, lines 58-62 and column 4, lines 16-23), and the client operable to receive asynchronous

messages (column 3, lines 56-58); specifying attributes to be used with the tag to send the message data to one of a queue and a topic (column 4, lines 28-37); and automatically delivering the message data to the one of the queue and the topic in the client upon execution of the server page (column 1, lines 61-67 and column 4, lines 28-37).

- <Claim 3>

The method of claim 1, further comprising specifying the attributes by using the attributes to identify an instance of a software class to be obtained by using an interface distributed under the name JNDI (column 7, lines 6-14).

- <Claim 4>

The method of claim 1, further comprising specifying the attributes by using the attributes to identify an instance of a software class to be created using reflection (column 4, lines 62-65).

- <Claim 6>

The method of claim 1, wherein the scripting language comprises software code implemented by employing the language distributed under the name JAVA (column 3, lines 16-20).

- <Claim 7>

The method of claim 1, wherein the asynchronous messaging system comprises software code that is distributed under the name JAVA Message Service (column 3, lines 37-49).

- <Claim 8>

A system for delivering message data in an asynchronous messaging system, comprising: a server (figure 3, item 32); and application software operatively associated with the

server and operable to execute a server page that comprises a scripting language and extensible custom tag functionality (column 3, lines 58-62 and column 4, lines 16-23); and cause automatic delivery of the message data to one of a queue and a topic upon execution of the server page (column 1, lines 61-67 and column 4, lines 28-37); and wherein the message data is encoded in a custom tag in the server page, and the tag uses attributes to specify a destination of the message data to the one of the queue and the topic (column 4, lines 28-37).

- <Claim 9>

The system of claim 8, further comprising a client coupled to the server and operable to receive asynchronous messages and the message data (column 3, lines 56-58).

- <Claim 10>

The system of claim 8, wherein the topic and the queue reside on the server (column 4, lines 28-37).

- <Claim 12>

The system of claim 8, further comprising a JSP server resident on the server, the JSP server operable to send the message data to the queue or the topic (column 1, lines 61-67 and column 4, lines 28-37).

- <Claim 15>

The system of claim 8, wherein the attributes identify an instance of one of the group consisting of a software class to be created using reflection and a software class to be obtained using an interface distributed under the name JNDI (column 7, lines 6-14).

- <Claim 16>

The system of claim 8, wherein the scripting language comprises software code implemented by employing the language distributed under the name JAVA (column 3, lines 16-20).

- <Claim 17>

The system of claim 8, wherein the asynchronous messaging system comprises software code that is distributed under the name JAVA Message Service (column 3, lines 37-49).

- <Claim 18>

A system for receiving message data, comprising: a client operable to receive asynchronous messages (column 3, lines 56-58); and a message retrieval application programming interface operatively associated with the client and operable to retrieve message data from one of a queue and a topic (column 4, lines 28-37); and wherein the message data is encoded in a custom tag in a server page that comprises a scripting language and extensible custom tag functionality (column 3, lines 58-62 and column 4, lines 16-23) and is automatically delivered to the one of the queue and the topic upon execution of the server page (column 1, lines 61-67 and column 4, lines 28-37).

- <Claim 19>

The system of claim 18, wherein the custom tag uses attributes to specify a destination of the message data to the one of the queue and the topic (column 4, lines 28-37).

- <Claim 22>

The system of claim 18, wherein additional message data is encoded in the custom tag and is automatically delivered to the one of the queue and the topic upon execution of the server page (column 1, lines 61-67 and column 4, lines 28-37).

- <Claim 23>

The system of claim 18, wherein at least one of the topic and the queue reside on a server coupled to the client (column 4, lines 28-37).

- <Claim 24>

The system of claim 18, wherein the attributes identify an instance of a software class to be created using reflection (column 4, lines 62-65).

- <Claim 25>

The system of claim 18, wherein the attributes identify an instance of a software class to be obtained using an interface distributed under the name JNDI (column 7, lines 6-14).

- <Claim 26>

The system of claim 18, wherein the message retrieval application programming interface comprises a browser (column 2, lines 38-44).

- <Claim 27>

The system of claim 18, wherein the scripting language comprises software code implemented by employing the language distributed under the name JAVA (column 3, lines 16-20).

Art Unit: 2152

- <Claim 28>

The system of claim 18, wherein the asynchronous messaging system comprises software code that is distributed under the name JAVA Message Service (column 3, lines 37-49).

Since all the limitations of the invention as set forth in claims 1, 3, 4, 6-10, 12, 15-19, and 22-28 were disclosed by Williamson, claims 1, 3, 4, 6-10, 12, 15-19, and 22-28 are rejected.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 11, 13, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williamson.

9. Concerning claims 2 and 21, Williamson does not explicitly disclose the client as a wireless device. However, using wireless devices in an asynchronous messaging system was well known in the art and it would be a clear extension of Williamson's system to use a client that is a wireless device. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Williamson by adding the ability for the client to be a wireless device.

10. Concerning claims 11 and 13, Williamson does not explicitly disclose the use of a second server. However, the ability to use multiple servers that communicate with one another in a messaging system was well known in the art and Williamson does disclose an application server

Art Unit: 2152

suite that could utilize multiple servers. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Williamson by adding the ability to use a second server in an asynchronous messaging system.

11. Thereby, Williamson discloses:

- <Claim 2>

The method of claim 1, wherein the client is a wireless device (obviousness).

- <Claim 11>

The system of claim 8, wherein the topic and the queue reside on a second server (obviousness; figure 3, item 32; and column 4, lines 28-37).

- <Claim 13>

The system of claim 8, further comprising a JSP server resident on a second server, the JSP server operable to send the message data to the queue or the topic (obviousness; figure 3, item 32; column 1, lines 61-67; and column 4, lines 28-37).

- <Claim 21>

The system of claim 18, wherein the client is a wireless device (obviousness).

Since Williamson discloses all of the above limitations, claims 2, 11, 13, and 21 are rejected.

12. Claims 5, 14, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williamson, as applied above, in view of Allaire Corporation, "JRun Tag Library Reference," hereinafter referred to as Allaire.

Art Unit: 2152

13. Williamson disclosed a messaging system that utilizes Java Messaging Services and allows for the creation and use of various JMS providers in an application server suite. In an analogous art, Allaire disclosed exemplary tags and attributes for use with JMS.

14. Concerning claims 5, 14, and 20, Williamson does not discuss specific tag attributes used in his system and therefore does not explicitly disclose specifying attributes as deliveryMode, priority, and timeToLive. However, Allaire does disclose the use of such attributes as “delivery,” “priority,” and “expire” attributes respectively. It would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to modify the system of Williamson by adding the ability to specify attributes as deliveryMode, priority, and timeToLive as provided by Allaire. Here motivation to combine is based in the fact that Allaire discloses exemplary elements of a system such as Williamson’s.

15. Thereby, the combination of Williamson and Allaire discloses:

- <Claim 5>

The method of claim 1, further comprising specifying the attributes as deliveryMode, priority, and timeToLive (Allaire, pages 30-32).

- <Claim 14>

The system of claim 8, wherein the attributes comprise deliveryMode, priority, and timeToLive (Allaire, pages 30-32).

- <Claim 20>

The system of claim 19, wherein the attributes comprise deliveryMode, priority, and timeToLive (Allaire, pages 30-32).

Art Unit: 2152

Since the combination of Williamson and Allaire discloses all of the above limitations, claims 5, 14, and 20 are rejected.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

- Maffeis (U.S. Patent Number 6,721,779) disclosed a messaging proxy system wherein a thin messaging middleware client includes at least one pluggable protocol adapter.
- Codella et al. (U.S. Patent Number 6,804,818) disclosed a method for anonymously integrating object-oriented software components and message-oriented clients.
- Giotta et al. (U.S. Patent Number 6,877,107) disclosed a method that utilizes JMS and delivery mode attributes for guaranteeing proper behavior of a clustered message server when individual computers in the cluster are separated by a network partition.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987.

The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2152

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor Lesniewski
Patent Examiner
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Dung C. Dinh
Primary Examiner